

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFRED LABOSSIERE,

Plaintiff,

v.

DOWNSTATE CORRECTIONAL FACILITY,
JOHN DOE (OFFICER) BLOCK OFFICER OF
BLOCK 3 TO 11 SHIFT ON JULY 13, 2019, *and*
N. BAXTER,

Defendants.

No. 21-CV-10538 (KMK)

ORDER OF PARTIAL
DISMISSAL

KENNETH M. KARAS, United States District Judge:

Plaintiff, who is currently incarcerated in Sing Sing Correctional Facility, brings this pro se action under 42 U.S.C. § 1983, alleging that Defendants violated his rights when he was incarcerated in Downstate Correctional Facility. By order dated February 18, 2022, Chief Judge Swain granted Plaintiff's request to proceed without prepayment of fees, that is, in forma pauperis ("IFP"). (*See* Dkt. No. 9.) On February 24, 2022, the Court entered an Order of Service in which it instructed Plaintiff to file an amended complaint within 30 days that included specific allegations as to the John Doe defendant or risk dismissal of Plaintiff's § 1983 claims against the John Doe defendant for failure to allege that the John Doe defendant was personally involved in a constitutional violation. (*See* Dkt. No. 11.) Plaintiff failed to file an amended complaint, (*see* Dkt.), so on June 14, 2022, the Court entered an order again instructing Plaintiff to file an amended complaint containing specific allegations as to the John Doe defendant within 30 days or risk dismissal, (*see* Dkt. No. 16). To date, Plaintiff has failed to file an amended complaint. Therefore, Plaintiff's § 1983 claims against the John Doe defendant are dismissed for failure to plead personal involvement. *See Labossiere v. Montefiore*, No. 21-CV-10541, 2022

WL 3214927, at *1–2 (S.D.N.Y. Aug. 9, 2022) (dismissing § 1983 claims against certain defendants pursuant to § 1915 for failure to plead personal involvement).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 12, 2022
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a horizontal line extending from the end of the signature.

KENNETH M. KARAS
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Correction Officer Neil Baxter
Shawngunk Correctional Facility
200 Quick Road
P.O. Box 750
Wallkill, New York 12589-0750